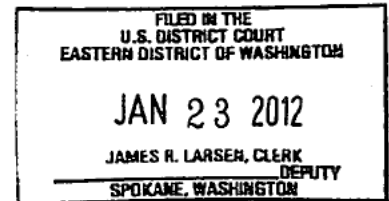


PROB 12C  
(7/93)

Report Date: January 20, 2012

**United States District Court**

for the

**Eastern District of Washington****Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Penny K. Fitzpatrick

Case Number: 2:09CR00086-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Cynthia Imbrogno, US Magistrate Judge

Date of Original Sentence: 4/27/2010

Original Offense: Theft of Postal Funds by a Postal Employee, 18 U.S.C. § 1711

Original Sentence: Probation - 36 Months

Type of Supervision: Probation

Asst. U.S. Attorney: Stephanie A. Van Marter

Date Supervision Commenced: 4/27/2010

Defense Attorney: David Matthew Miller

Date Supervision Expires: 4/26/2013

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**PETITIONING THE COURT****To issue a summons.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<b><u>Standard Condition # 1:</u></b> The defendant shall not leave the judicial district without the permission of the court or probation officer.
2	<b><u>Special Condition # 17:</u></b> You shall not incur any new debt, open additional lines of credit, or enter into any financial contracts, without the advance approval of the supervising officer.
3	<b><u>Special Condition # 18:</u></b> Travel outside of the Eastern District of Washington is allowed with advanced approval from the supervising officer.

**Supporting Evidence:** On December 15, 2011, this officer made an unannounced home visit to Penny Fitzpatrick's residence. Ms. Fitzpatrick's sister answered the door. When this officer asked where the offender was, the sister stated she was "out of town." This officer inquired further as to where Penny Fitzpatrick was and she responded, "she is in Hawaii until December 24<sup>th</sup>."

On December 27, 2011, this officer attempted contact with the offender at her residence. No one answered the door. As a result, this officer left a note on the offender's door directing her to report to the probation office on December 28, 2011, at 3:00 p.m. Ms.

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**Re: Fitzpatrick, Penny K.**

**January 20, 2012**

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Fitzpatrick complied with this request. The offender was provided a financial document to complete, inclusive of her assets/liabilities with corresponding receipts for these items. Penny Fitzpatrick was instructed to report to the probation office on January 5, 2012, with the completed financial documents.

On January 5, 2012, the offender reported with all of her documents. However, she did not have original bank statements from Wheatland Bank. The offender was instructed to obtain original bank statements and report back to the probation office on January 12, 2012, with the requested financial documentation.

On January 12, 2012, the offender provided her original bank statements for October, November and December 2011. This officer noted a larger deposit into her Wheatland Bank account for December 2011. When the offender was questioned, she admitted going to Hawaii from December 15, through December 24, 2011. Ms. Fitzpatrick revealed that she and her husband took \$500 cash to travel to Hawaii for their 20<sup>th</sup> wedding anniversary. The offender indicated that a friend paid for her airline ticket and that they had access to a condominium in Hawaii, at not cost to them. This officer directed her to obtain documentation from her friend to substantiate her statements.

On January 13, 2012, this officer contacted the offender by telephone. Ms. Fitzpatrick advised this officer that she would provide an original signature and corresponding documentation from her friend by January 17, 2012. Ms. Fitzpatrick dropped off the requested documentation as instructed, however, the friend did not sign the document.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/20/2012

s/Brenda J. Kuest

Brenda J. Kuest  
U.S. Probation Officer

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Prob12C

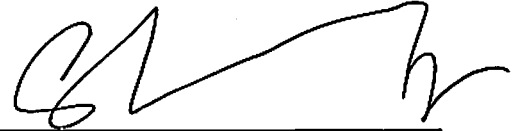
Re: Fitzpatrick, Penny K.

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons
- ☐ Other



Signature of Judicial Officer

01-23-2012

Date